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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,233	11/29/2000	Christine Miyachi	XER-20374D/A0600	9612

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EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 10/02/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,233

Applicant(s)

MIYACHI ET AL.

Examiner

Negussie Worku

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular in claim 1, "a partial print provider that permits a proprietary print spooler to interface with a commercial print spooler for further processing of a print job submitted to a network print server" is not defined and failing to particularly point out and distinctly claim the subject matter which applicant regards as invention in a way one skill in the art can understand. Therefore, claims 1-7, are reject as best understood by the Examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

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3. Claims 1-7, are rejected under 35 U.S.C. 102(e) as being anticipated by Kurozasa (USP 6,614,546).

With respect to claim 1, Kurozasa discloses a partial print provider (copy machine as shown in fig 1-3) that permits a proprietary print spooler (interface IU of fig 3) to interface with a commercial print spooler (PRT image printer of fig 3) for further processing of a print job submitted to a network print server (printer server PS of fig 3, which is connected to the network NW of fig 3).

With respect to claim 2, Kurozasa discloses a partial print provider (as shown in fig 1-2), wherein the network print server (PS of fig 3) is operating window NT software (operation panel of fig 3) and the commercial print spooler (image spool 119 of fig 5) is a window NT print spooler.

With respect to claim 3, Kurozasa discloses a partial print provider (copy machine as shown in fig 1-3), wherein the interface (interface IU of fig 3) between the NT print spooler (PRT print spooler of fig 3) and the proprietary spooler permits the proprietary spooler to leverage of on Microsoft print services protocol (NW network of fig 3, inherently provides protocol that different devices communicate each other) and network technologies.

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With respect to claim 4, Kurozasa discloses a partial print provider (copy machine as shown in fig 1-3), wherein the partial print provider is a dynamically linked library file (PS of fig 3), see (col.3, lines 38-40).

With respect to claim 5, Kurozasa discloses a partial print provider (copy machine as shown in fig 1-3), wherein all print jobs received by the commercial spooler (image spooler 119) can be used for commercial purpose are forwarded to the proprietary spooler for further processing.

With respect to claim 6, Kurozasa discloses a partial print provider (copy machine as shown in fig 1-3), wherein the partial print provider can be modified to establish an interface between the commercial print spooler (119 of fig 5) and any proprietary spooler.

With respect to claim 7, Kurozasa discloses a partial print provider (copy machine as shown in fig 1-3), wherein the network print server (printer server PS of fig 3) is configured to be used with a xerographic print device (copy machine shown in fig 1),

4. Any inquiry concerning this communication or earlier communication from Examiner should be directed to *Negus Worku* whose telephone number is (703) 305 5441.

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The Examiner can normally be reached on M-F, 9 am - 6 pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, *Kimberly Williams*, can be reached on (703) 305-4863.

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-5406, and any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



09/03/03



Kimberly A. Williams
Primary Examiner
Technology Center 2600